IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1847 OF 2005

Sachin G. Chindaliya & ors. ... Applicants

versus

The State of Maharashtra ... Respondent

...

Mr.Ganesh Gole , for the Applicants.

Mr.A.S. Gadkari, A.P.P., for the Respondents.

...

CORAM : A.M.KHANWILKAR,J.

23rd March 2005

P.C.:

. Heard Counsel for the parties. Perused the record. Learned A.P.P. fairly accepts that no specific role has been assigned to Applicant No.1 in the commission of the crime. Insofar as Applicants Nos. 2 and 3 are concerned, the prosecution case is that they were wielding wooden logs. However, the injury caused to the victim is on account of weapon used by the Applicant No. 4 and the witnesses have

consistently deposed only about the role of Applicant No. 4. In other words, there is no overt act insofar as Applicants Nos. 2 and 3 are concerned, except the fact that they were found wielding wooden logs. In the circumstances, the Applicants Nos. 1 to 3 deserve to be granted anticipatory bail on strict conditions. This is also because of the fact that they have co-operated with the investigating officer for the purpose of interrogation when called.

. Insofar as Applicant No. 4 is concerned, as there is evidence to indicate the complicity of the Applicant No. 4 and the offence being serious one, not a case for anticipatory bail. Hence, his prayer for anticipatory bail is rejected. He shall surrender before the investigating officer in the course of the day.

. Accordingly, application on behalf of the Applicants Nos. 1 to 3 succeeds in the following terms.

(A) Applicants Nos. 1 to 3 - Sachin Gyansing Chindaliya, Shyam Ompal Tak and

Raja Ompal Tak are enlarged on bail in connection with CR.No.91/2005 registered with Panvel Taluka Police Station on executing personal bond in the sum of Rs.5,000/- each (Rupees Five thousand only) with two local sureties in the like amount.

(B) Applicants Nos.1 to 3 shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) Applicants Nos.1 to 3 shall report to the investigating officer as and when called upon by the investigating officer.

(D) Relief of anticipatory bail will enure in favour of Applicants Nos.1 to 3 till the filing of the chargesheet.

. Insofar as application preferred by Applicant No. 4, the same is rejected.

(A.M.KHANWILKAR,J.)